

CARMELIET, Peter
Appl. No. 10/578,485
Atty. Ref.: 4465-10
Amendment
June 13, 2008

REMARKS

Reconsideration is requested.

Claims 1-6 are pending.

The objection to the specification is obviated by the above amendment to the specification. Withdrawal of the objection to the specification is requested.

The Section 112, second paragraph, rejection of claim 6 is obviated by the above amendments. Withdrawal of the rejection is requested.

The Section 101 rejection of claim 6 is obviated by the above amendments.

Withdrawal of the rejection is requested.

The Section 102 rejection of Claim 1 over Beck et al. (Mechanism of Development, 1999, 88: 221-227), "as evidenced by" Bartel et al. (Anat Embryol, 2000, 202: 55-65), is obviated by the above amendments.

The Examiner's comment that Beck et al do not specifically teach making transgenic *Xenopus* comprising GFP under the control of promoters specific for expression within the lymphatic system but instead describe a method of visualizing the pancreas, liver and small intestine is noted. See page 5 of the Office Action dated March 14, 2008. The presently claimed invention is patentable over Beck et al, which fails to teach each and every aspect of the claimed invention. Withdrawal of the Section 102 rejection is requested.

To the extent not obviated by the above amendments, the Section 103 rejection of claims 1-6 over Beck et al., in view of both Witte et al. (Microscopy Research and Technique, 2001, 55: 122-145) and Bartel et al., is traversed. Reconsideration and

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withdrawal of the rejection are requested in view of the following distinguishing comments.

The applicants submit that at the time of filing of the present application, it was not clear or reasonably predictable that *Xenopus* tadpoles possessed a functional lymphatic system which could be visualized and used in functional genomic studies. Also Bartel et al. state on page 65, that "The presence of lymphatic vessels...may not be taken as an indication of an open communication between blood and lymphatic vessel system" which is a key function of a lymph vascular system (see Witte, abstract, lines 1-2).

One of ordinary skill in the art would also appreciate from, for example, Riviere H.B. and Cooper E.L. (Proceedings of the society for Experimental Biology and Medicine (1973) 143 (2) 320-322 (copy attached)) and Plytycz B. and Bigaj J. ((1982) Developmental and Comparative Immunology 6(4) 781-784 (copy of STN Title ("Tadpoles of *Rana temporaria* do not possess the lymph gland") attached) (copies attached) that tadpoles may not have a lymphatic vessel system. Hence, a person of ordinary skill in the art would not have reasonably predicted at the time of the present invention that tadpoles could have been used as functional genomics tools to study lymphatic vessel systems as it was unknown, for example, if tadpoles actually possessed a lymphatic vessel system.

Withdrawal of the Section 103 rejection is requested.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned, preferably by telephone, in the event anything further is required.

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Respectfully submitted,

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